



TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number	09/760,130
Filing Date	1/12/01
First Named Inventor	Jeffrey C. Herold
Art Unit	unknown
Examiner Name	unknown
Total Number of Pages in This Submission	Attorney Docket Number
	033905-000014

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> 2 nd Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Copy of status inquiry filed 6/21/04, Copy of Response to Inquiry dated 7/1/04, Copy of fax dated 7/15/04.
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Adrienne Yeung, Reg. No. 44,000
Signature	
Date	9/2/04

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Ruth Rodriguez
Signature	
Date	September 2, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Jeffrey C. Herold
 SERIAL NO.: 09/760,130
 FILING DATE: 1/12/01
 TITLE: ERGONOMICALLY CONFIGURED SHOULDER STRAPS SYSTEM
 EXAMINER: Unassigned
 ART UNIT: Unassigned

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on the date printed below:

Date: September 2, 2004 Name: Ruth Rodriguez

Ruth Rodriguez

Commissioner for Patents,
 P.O. Box 1450 Alexandria, VA 22313-1450

SECOND STATUS INQUIRY LETTER

Please advise the status of the above-identified patent application. Several attempts have been made to inquire about the status of the above mentioned matter to no avail as outlined below:

1. On 6/21/04, a Status Inquiry Letter was filed with the patent office (Tab A).
2. On 7/1/04, a Response to the Status Inquiry Letter was received from the PTO informing us that application was abandoned (Tab B).
3. On 7/5/04, 7/8/04, and 7/15/04 I personally communicated with Examiner Larry Schwartz informing him that a Petition to Withdrawal Holding of Abandonment was filed on 11/18/03. Examiner Schwartz initially informed me that he would locate the file to determine whether the petition was in the file, but then later instructed me to call Examiner Doshie Day.
4. On 7/15/04, I personally communicated with Examiner Doshie Day whereby we were instructed to fax a copy of the petition to her (Tab C).
5. On 7/23/04, 7/28/04, 8/12/04, 8/16/04, and 8/23/04 we communicated with Examiner Day to inquire about the case. In each instance, she informed us that she was attempting to locate the file. However, after 1 ½ months, she has yet to locate the file.

After several months of communication with the PTO with no success, Applicant hereby submits this Second Status Inquiry Letter. Applicant respectfully requests prompt attention to the status of this application so that prosecution may be continued immediately.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Dated: September 2, 2004

Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640
(408) 292-5800
(408) 287-8040 (Fax)

Respectfully submitted,
Thelen Reid & Priest LLP


Adrienne Yueng
Reg. No. 44,000





BEST AVAILABLE COPY

Serial/Patent No.: 09/760,130

Filing/Issue Date: 1/12/01

Applicant: Jeffrey C. Herold

Title: ERGONOMICALLY CONFIGURED SHOULDER STRAPS SYSTEM

TRP Docket No.: 033905-014

Atty/Secty Initials: AY/r

Date Mailed: 6/21/04

Docket Due Date:

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- Amendment/Response (____ pgs.) IDS & PTO 1449 (____ pgs.)
 Appeal Brief (____ pgs.) (in triplicate) _____ Pieces of Prior Art Enclosed
 Application - Utility (____ pgs. with cover & abstract) Issue Fee Transmittal
 Application - Rule 1.53(b) Continuation (____ pgs.) Submission of Formal Drawings:
 Application - Rule 1.53(b) Division (____ pgs.) _____ # of sheets includes _____ figures
 Application - Rule 1.53(b) CIP (____ pgs.) Notice of Appeal
 Application - Rule 1.53(d) CPA (____ pgs.) Postcard
 Application - PCT (____ pgs.) Preliminary Amendment (____ pgs.)
 Application - Provisional (____ pgs.) Reply Brief (____ pgs.)
 Assignment and Cover Sheet Req and Cert. Not to Publish - Rule 1.213
 Certificate of Correction Request for Continued Examination (RCE) (____ pgs.)
 Certificate of Mailing Request for Extension of Time _____ Month(s)
 Declaration & POA (____ pgs.) Response to Notice to File Missing Parts
 Fee Transmittal Copy of PTO Notice to File Missing Parts
 Drawings (informal): Transmittal Letter (original & copy)
 _____ # of sheets includes _____ figures Express Mail No.: _____
 Other Check(s) \$ _____
 STATUS INQUIRY Deposit Acct No. 50-1698 \$ _____
 _____ Patent Code: _____
 _____ Client/Matter # 33905 - 14





Docket No. 033905-014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Jeffrey C. Herold
SERIAL NO.: 09/760,130
FILING DATE: 1/12/01
TITLE: ERGONOMICALLY CONFIGURED SHOULDER STRAPS SYSTEM
EXAMINER: Unassigned
ART UNIT: Unassigned

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on the date printed below:

Date: June 21, 2004

Name: Ruth Rodriguez

Ruth Rodriguez

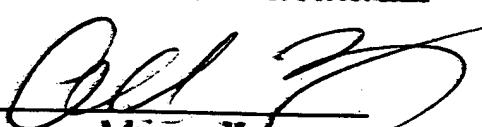
Commissioner for Patents,
P.O. Box 1450 Alexandria, VA 22313-1450

STATUS INQUIRY LETTER

Please advise the status of the above-identified patent application.

Respectfully submitted,
Theelen Reid & Priest LLP

Dated: June 21, 2004


Adrienne Yueng
Reg. No. 44,000

Theelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640
(408) 292-5800
(408) 287-8040 (Fax)

33905-14

Larry I. Schwartz
United States Patent & Trademark Office
Customer Service Center, Technology Center 3700
 703/306-5648

Date: 7/1/04

Total # of pages including cover sheet: 1

To: Adrienne Yueng Recipient Fax: 408-287-8040

From: Larry I. Schwartz
Administrator
Customer Service Center Sender Fax: 703-872-9301**Memo:****In response to your inquiry:**

Application 09760130 is currently in Status: 160 /ABANDONED – INCOMPLETE APPLICATION (as of 10/28/2003. The application is currently assigned to Group Art Unit: 3727. The docketed class/subclass is 224/ ...

Fax•Fax•Fax•Fax•Fax•Fax•Fax•Fax•Fax•Fax

Confirmation Report - Memory Send

Page : 001
Date & Time: 07-15-04 11:43am
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Job number : 240
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Thelen Reid & Priest LLP
Attorneys At Law

225 West Santa Clara Street, Suite 1200
San Jose, CA 95113-1723
Tel. 408.282.5800
Fax 408.287.8040
www.thelenreid.com

F A X C O V E R P A G E

Date: July 15, 2004

Total Pages: 15
(including cover)

To: Examiner Doshie Day,
U.S. Patent Office

Fax: 1.703.305.9822
Phone: 1.703.308.3640

From: Adrienne Young

Fax: 408.278.8209
Phone: 408.282.1809
E-Mail: ayoung@thelenreid.com

SERIAL NO.: 171878470001000
VIA FAX ONLY
THE B.P.O. MAY NOT RECEIVED UNTIL 014

Dear Examiner Day:

Thank you for taking your time to speak with me about the above referenced patent application. Respectfully submitted, is a true copy of the Petition to Withdraw Holding of Abandonment filed on November 18, 2003, and confirmation of receipt dated November 21, 2003.

If you have any questions, please do not hesitate to contact me directly. Thank you for your attention to this matter.

Sincerely,


Adrienne Young

AY/xr

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JOB #	ATTORNEY #	CUSTOM-MATTER	RETURN TO	ROOM #
	40532	33905/14		

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SV #173d86 v1

225 West Santa Clara Street, Suite 1200
San Jose, CA 95113-1723

Tel. 408.292.5800
Fax 408.287.8040
www.thelenreid.com

F A X C O V E R P A G E

Date: July 15, 2004

Total Pages: 13
(including cover)

To: Examiner Doshie Day,
U.S. Patent Office

Fax: 1.703.305.9822
Phone: 1.703.308.3640

From: Adrienne Yeung

Fax: 408.278.8209
Phone: 408.282.1809
E-Mail: ayeung@thelenreid.com

S E R I A L N O . : 0 9 / 7 6 0 , 1 3 0

F I L E D : 1 / 1 2 / 0 1

T R P D O C K E T N O . : 0 3 3 9 0 5 - 0 1 4

V I A F A X O N L Y

Dear Examiner Day:

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If you have any questions, please do not hesitate to contact me directly. Thank you for your attention to this matter.

Sincerely,


Adrienne Yeung

AY/rr

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JOB #	ATTORNEY #	CLIENT-MATTER	RETURN TO	ROOM #
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SV #173686 v1

Serial/Patent.No.: <u>09/760,130</u>	Filing/Issue Date: <u>1/12/01</u>
Applicant: <u>Jeffrey C. Herold</u>	
Title: <u>Ergonomically Configured Shoulder Straps System</u>	
TRP Docket No.: <u>033905-000014</u>	Atty/Secty Initials: <u>AY/dm</u>
Date Mailed: <u>11-18-03</u>	Docket Due Date: <u>NOV 21 2003</u>
<p>The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:</p> <p> <input type="checkbox"/> Amendment/Response (<u> </u> pgs.) <input type="checkbox"/> Appeal Brief (<u> </u> pgs.) (in triplicate) <input type="checkbox"/> Application - Utility (<u> </u> pgs. with cover & abstract) <input type="checkbox"/> Application - Rule 1.53(b) Continuation (<u> </u> pgs.) <input type="checkbox"/> Application - Rule 1.53(b) Division (<u> </u> pgs.) <input type="checkbox"/> Application - Rule 1.53(b) CIP (<u> </u> pgs.) <input type="checkbox"/> Application - Rule 1.53(d) CPA (<u> </u> pgs.) <input type="checkbox"/> Application - PCT (<u> </u> pgs.) <input type="checkbox"/> Application - Provisional (<u> </u> pgs.) <input type="checkbox"/> Assignment and Cover Sheet <input type="checkbox"/> Certificate of Correction <input type="checkbox"/> Certificate of Mailing <input type="checkbox"/> Declaration & POA (<u> </u> pgs.) <input type="checkbox"/> Fee Transmittal <input type="checkbox"/> Drawings (informal): <u> </u> # of sheets includes <u> </u> figures </p> <p> <input checked="" type="checkbox"/> Other: <u>Petition to Withdraw Holding of Abandonment</u> </p>	
<p> <input type="checkbox"/> IDS & PTO 1449 (<u> </u> pgs.) <input type="checkbox"/> <u> </u> Pieces of Prior Art Enclosed <input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Submission of Formal Drawings: <u> </u> # of sheets includes <u> </u> figures <input type="checkbox"/> Notice of Appeal <input checked="" type="checkbox"/> Postcard <input type="checkbox"/> Preliminary Amendment (<u> </u> pgs.) <input type="checkbox"/> Reply Brief (<u> </u> pgs.) <input type="checkbox"/> Req and Cert. Not to Publish - Rule 1.213 <input type="checkbox"/> Request for Continued Examination (RCE) (<u> </u> pgs.) <input type="checkbox"/> Request for Extension of Time <u> </u> Month(s) <input checked="" type="checkbox"/> Response to Notice to File Missing Parts <input type="checkbox"/> Copy of PTO Notice to File Missing Parts <input checked="" type="checkbox"/> Transmittal Letter (original & copy) <input type="checkbox"/> Express Mail No.: _____ <input type="checkbox"/> Check(s) \$ _____ <input type="checkbox"/> Deposit Acct. No. 50-1698 \$ _____ Patent Code: _____ Client/Matter # <u>33905 - 14</u> </p>	

CANCELLED

Serial/Patent No.: 09/760,130

Filing/Issue Date: 1/12/01

Applicant: Jeffrey C. Herold

Title: Ergonomically Configured Shoulder Straps System

TRP Docket No.: 033905-000014

Atty/Secty Initials: AY/dm

Date Mailed: 11-18-03

Docket Due Date:

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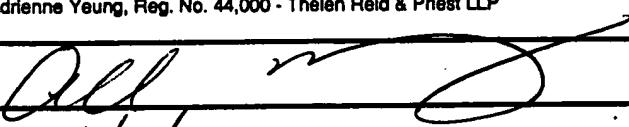
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		Application Number	09/760,130
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		First Named Inventor	Jeffrey C. Herold
		Art Unit	unknown
		Examiner Name	unknown
Total Number of Pages in This Submission		Attorney Docket Number	033905-000014

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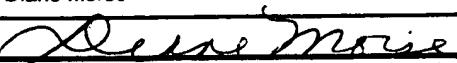
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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
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<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Adrienne Yeung, Reg. No. 44,000 - Thelen Reid & Priest LLP	
Signature		
Date	11/17/03	

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Typed or printed name	Diane Morse	
Signature		Date 11-18-03

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